IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.187 OF 2005

Avinash Ganesh Jadhav. ... Applicant.

Versus.

M/s.R.L.Bhojane Construction Co. ... Respondents.

Shri Rahul S.Thakur for the Applicant.

Ms.Rajashree Gadhavi, A.P.P. for the Respondent-State.

CORAM : ABHAY S. OKA, J.

DATED : 22nd July, 2005.

P.C.:

1. This Revision Application is filed by the original accused who has been convicted for offence punishable under section 138 of the Negotiable Instruments Act, 1881. The learned Judicial Magistrate First Class sentenced the Applicant to suffer simple imprisonment for a period of 3 months in respect of each cheque and both the sentences were directed to run concurrently. The Applicant was directed to pay compensation amount of Rs.2,10,000/- to the original complainant. An Appeal was preferred by the Applicant. The Appeal was partly allowed by the Judgment and order dated 10th May 2005. While the conviction was confirmed, the substantive sentence was altered to imprisonment till the rising of the Court. The learned Sessions Judge directed that in default of payment of Rs.2,10,000/- by way of compensation, the Applicant will undergo simple imprisonment for four months.

2. I have heard the learned Counsel appearing for the Applicant. The learned Counsel for the Applicant submitted that the Applicant has undergone sentence for about 2 months as he could not pay the compensation of Rs.2,10,000/.-. The learned Counsel for the Applicant submitted that a sum of Rs.50,000/- can be paid if the Applicant is enlarged on bail.

3. I have considered the submissions. The scope of Revision Application is very limited. A perusal of the Judgment of the Courts below shows that the entire evidence on record is considered by both the Courts below. This is not a case where relevant evidence is not considered by the Courts below. There is no procedural error committed by the Courts and there is no manifest error of law.

4. By reducing the substantive sentence, the learned Sessions Judge has shown leniency in favour of the Applicant. In my view the sentence awarded in default of payment of compensation by the learned Sessions Judge is fully justified. Considering the facts and circumstances of the case, there is no merit in the Revision, and the same is rejected.

Judge.